IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6886 OF 2003

Sou. Sharada Pradip Gurav.. ... .. Petitioner.

Versus

Pradip Gundopant Gurav..... .... Respondent.

Mr. Amit B. Borkar for the Petitioner.

Mr. P.R.Arjunwadkar for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 14, 2005.

P.C.:

Rule. By consent, Rule made returnable forthwith and taken up for hearing.

2. Mr. Arjunwadkar, learned Counsel appears and waives service of Rule on behalf of the Respondent.

3. By this petition the original Respondent (Petitioner herein) has challenged the order below Exhibit 54 by which the learned trial court has refused permission for re-examination of the Petitioner.

4. It appears that the Petitioner's examination-in-chief was over. In cross-examination the Respondent herein introduced certain documents. As a result the Petitioner sought permission to be re-examined. This permission has been rejected by the trial Court apparently only on the ground that there is no reason to allow examination-in-chief of the Respondent since the examination-in-chief of the Respondent is already over. This can hardly be a valid reason since requests for re-examination are made only after the examination-in-chief is over. In the circumstances, the impugned order is not sustainable.

5. Mr. Arjunwadkar, learned Counsel appearing for the Respondent, however, pointed out that the Petitioner has not pleaded the specific reason why she wishes to be re-examined. There is substance in this. The learned Counsel for the Petitioner, therefore, seeks permission to tender a fresh application for re-examination setting out the specific reason for the request. The Respondent has no objection to this.

6. In the circumstances, the impugned order is set aside. The Petitioner shall be at liberty to file a fresh application for her re-examination within three

weeks from today, which shall be decided on its own merit after opportunity to the Respondent to file reply and be heard. Rule made absolute in the above terms. Writ petition stands disposed of, accordingly.

Sd/-

S. A. BOBDE, J.